



**City of Danville**  
427 Patton Street, Suite 208  
Danville VA, 24541  
Phone: (434) 799-5260

## ***City Planning Commission***

SEPTEMBER 11, 2017  
3:00 P.M.  
CITY COUNCIL CHAMBERS  
**AGENDA**

I. WELCOME AND CALL TO ORDER

II. ROLL CALL

III. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit application PLSUP20170000208, filed by Laura Luffman, DVM,, requesting a Special Use Permit for a waiver of yard requirements in accordance with Article 3:N., Section C, Item 21 of the Code of the City of Danville, Virginia 1986, as amended at 2815 Riverside Drive, otherwise known as Grid 1710, Block 002, Parcel 000007, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to keep a structure with a five (5) foot front yard setback where thirty (30) feet is required.*
2. *Special Use Permit application PLSUP20170000212, filed by Donald Layne, requesting a Special Use Permit for Commercial Indoor Recreation in accordance with Article 3:N., Section C, Item 4 of the Code of the City of Danville, Virginia 1986, as amended at 3256 Riverside Drive, otherwise known as Grid 1713, Block 013, Parcel 000002, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate a Commercial Indoor Recreation facility (MEGA Bounce) at this location.*
3. *Rezoning application PLRZ20170000214, filed by Daniel Group, Inc., requesting to rezone from HR-C, Highway Retail Commercial to M-R, Multifamily Residential, a 3.00-acre portion of Parcel ID #78291, otherwise known as a 3.00-acre portion of Grid 0708, Block 003, Parcel 000008.001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property so that it can be consolidated with a portion of 610 Mt. Cross Rd.*

IV. APPROVAL OF MINUTES FROM JULY 10, 2017

V. OTHER BUSINESS

VI. ADJOURNMENT



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## ***City Planning Commission***

### **City Planning Commission**

Meeting of September 11, 2017

#### **Subject:**

*Special Use Permit application PLSUP20170000208, filed by Laura Luffman, DVM, requesting a Special Use Permit for a waiver of yard requirements in accordance with Article 3:N., Section C, Item 21 of the Code of the City of Danville, Virginia 1986, as amended at 2815 Riverside Drive, otherwise known as Grid 1710, Block 002, Parcel 000007, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to keep a structure with a five (5) foot front yard setback where thirty (30) feet is required.*

#### **Background:**

The applicant, Laura Luffman, DVM, is requesting a Special Use Permit for a waiver of yard requirements in accordance with Article 3:N., Section C, Item 21 of the Code of the City of Danville, Virginia 1986, as amended at 2815 Riverside Drive. Ms. Luffman operates Animal Medical Center at this location. Animal Medical Center has recently constructed a wooden cover over their outdoor kennels, without permits. This construction reduces the front yard setback to five (5) feet where thirty (30) feet is required.

Seven (7) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on September 11, 2017.

#### **Recommendation:**

The Planning Staff recommends approval of Special Use Permit Application Number PLSUP20170000208 for a waiver of yard requirements in accordance with Article 3: N., Section C, Item 21 of the Code of the City of Danville, Virginia, 1986, as amended. Approval is recommended with the condition that the front yard setback is not be reduced to less than five (5) feet.

#### **City Planning Commission Alternatives:**

1. Recommend approval of Special Use Permit application PLSUP20170000208 as submitted.



2. Recommend approval of Special Use Permit application PLSUP20170000208 subject to conditions per Staff.
3. Recommend approval of Special Use Permit application PLSUP20170000208 subject to conditions by the Planning Commission
4. Recommend denial of Special Use Permit application PLSUP20170000208 as submitted.
5. Recommend postponement of Special Use Permit application PLSUP20170000208 by Planning Commission.

**Attachments:**

Application  
Property Ownership/Zoning Map  
Data Sheet  
Existing Land Use Map (2015 Aerial)

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the Special Use Permit as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

APPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING

USE: We propose to change the road setback from 30 feet to  
5 feet around perimeter of property

CASE NUMBER: \_\_\_\_\_

EXISTING ZONING: \_\_\_\_\_

PROPOSED ZONING: \_\_\_\_\_

TAX MAP NUMBER: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

PLANNING COMMISSION DATE: \_\_\_\_\_

CITY COUNCIL DATE: \_\_\_\_\_

INFORMATION TO BE PROVIDED BY THE APPLICANT

(PLEASE TYPE OR PRINT)

Exact legal description of property (Attach if insufficient space).

Gross Area/Net Area: 1.14 acres Property Address: 2815 Riverside Dr.

Property Location: N S E W Side of: 58 or Riverside Dr. @ Intersection

of  
Between: 58 and 29

Proffered Conditions (if any, please attach): \_\_\_\_\_



**EXPLANATION OF REQUEST:**

**1. PROPOSED USE FOR THE SPECIAL USE PERMIT:**

Please provide a site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

We need to decrease the road setback from 30 feet to 5 feet so that we may build shades for existing dog kennels. We are below street level @ Riverside Dr & pose no visibility problems for Riverside Dr.

**PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):**

1. NAME: Laura Luftman TELEPHONE: 434 548 1749

MAILING ADDRESS: 2815 Riverside Dr.

SIGNATURE: Jane Luftman DATE: 8-9-17

SIGNATURE: AMC Smith Realty by Jane Luftman DATE: 8-9-17

EMAIL ADDRESS: wreagle94@gmail.com

**APPLICANT (PLEASE TYPE OR PRINT):**

If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: Laura Luftman TELEPHONE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

LAURA DOVER SOBACKI, DVM  
JOHN B. MOSER, DVM  
SAM JONES, DVM  
KATHRYN EDMUNDS, DVM

**ANIMAL MEDICAL CENTER**  
of  
DANVILLE, INC.



*For Your Companion's Health*

2815 Riverside Drive  
Danville, VA 24540  
(434) 793-6477

August 9, 2017

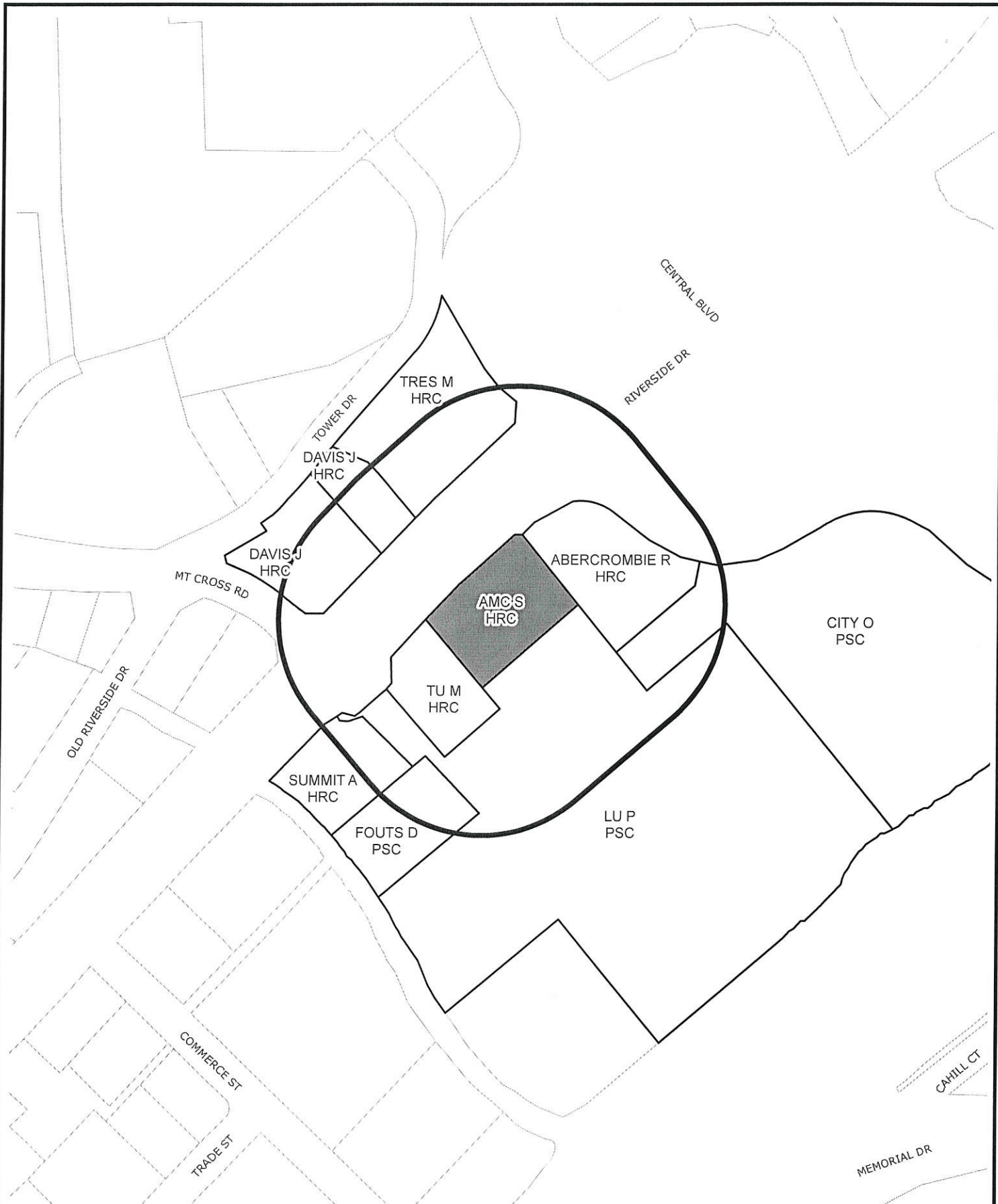
Dear Planning Commission,

Animal Medical Center has outdoor kennels that we use to allow the dogs outside time while they are here. We have purchased many different types of products to provide shade for the dogs. The tarps, shades, etc. that we have purchased end up getting torn or falling down. We decided to build a wooden cover, with posts attached, but no sides to put over the kennels to provide shade. We were unaware that this would require a building permit. We didn't consider it a building, since it was not enclosed. Once we found out the City of Danville does consider it a building, we applied for a building permit to correct this. We apologize for this misunderstanding on our part. We would like to apply for a Special Use Permit to lower the road set back from 30 feet to 5 feet so, in the future, we can provide shade for all the dogs that are in our outside kennel runs. We are below street level and this will not affect traffic visibility at all. We have included a pictures. Thanks for your time and consideration of the Special Use Permit.

Sincerely,

A handwritten signature in cursive script that reads "Laura Luffman, DVM".

Laura Luffman, DVM



# **SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY**



Prepared by:  
Planning Division  
8/14/2017

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



**SPECIAL USE PERMIT REQUEST**  
**DATA SHEET**

<b>DATE:</b>	September 11, 2017
<b>LOCATION OF PROPERTY:</b>	2815 Riverside Drive
<b>PRESENT ZONE:</b>	PS-C Planned Shopping Center
<b>PROPOSED ZONE:</b>	Same
<b>ACTION REQUESTED:</b>	Special Use Permit requested so that structure may stay with a five (5) foot front yard setback where thirty (30) feet is required.
<b>PRESENT USE OF PROPERTY:</b>	Animal Medical Center
<b>PROPOSED USE OF PROPERTY:</b>	Same
<b>PROPERTY OWNER (S):</b>	AMC Smith Realty, LLC
<b>NAME OF APPLICANT (S):</b>	Laura Luffman, DVM
<b>PROPERTY BORDERED BY:</b>	Commercial to the north, south, east, and west.
<b>ACREAGE/SQUARE FOOTAGE:</b>	1.14 acres
<b>CHARACTER OF VICINITY:</b>	Commercial
<b>INGRESS AND EGRESS:</b>	Riverside Drive through shopping center
<b>TRAFFIC VOLUME:</b>	High
<b>NEIGHBORHOOD REACTION:</b>	To be reported at the Planning Commission meeting of September 11, 2017



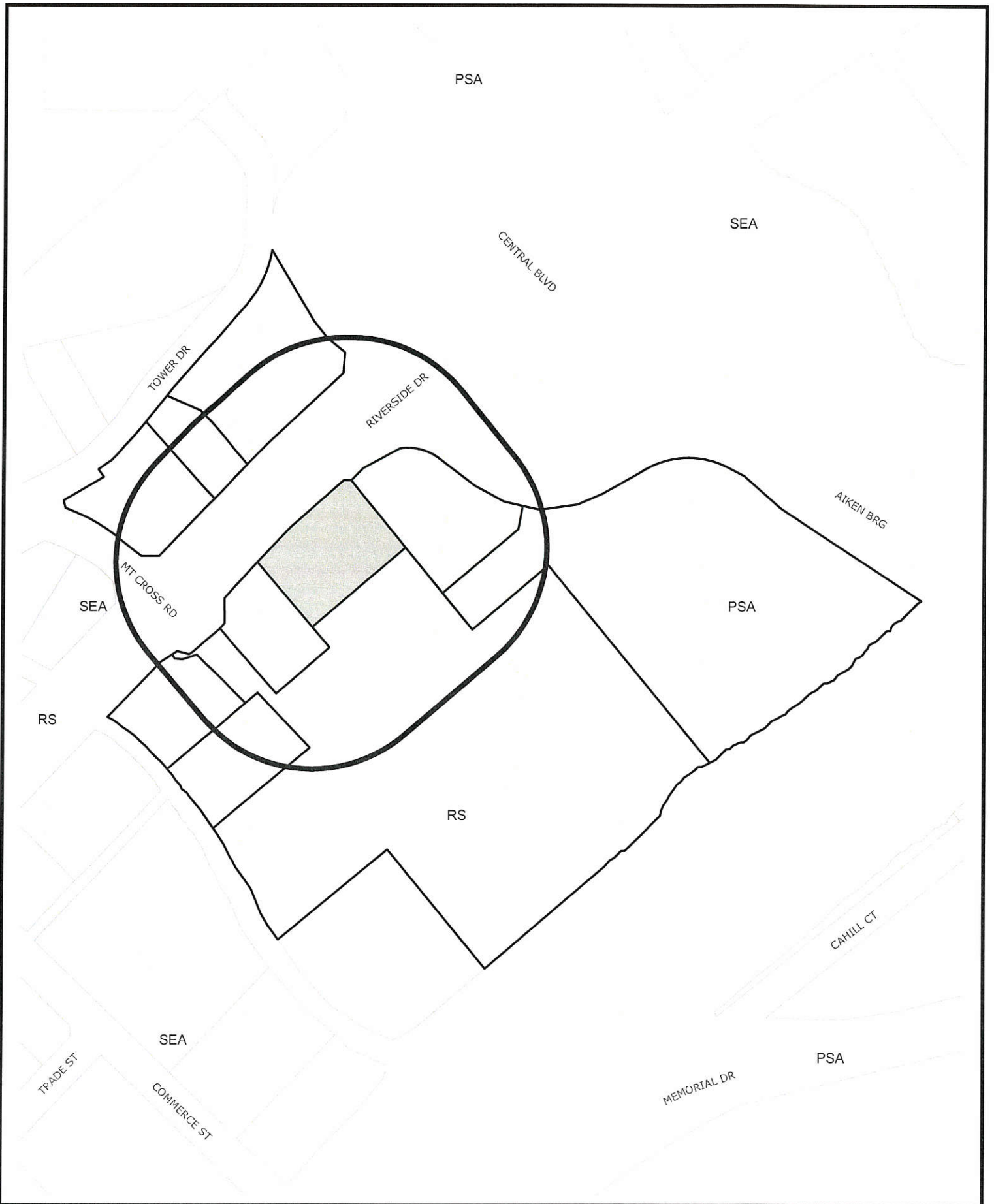


## 2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
8/14/2017

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### YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
8/14/2017

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## ***City Planning Commission***

### **City Planning Commission**

Meeting of September 11, 2017

#### **Subject:**

*Special Use Permit application PLSUP20170000212, filed by Donald Layne, requesting a Special Use Permit for Commercial Indoor Recreation in accordance with Article 3:N., Section C, Item 4 of the Code of the City of Danville, Virginia 1986, as amended at 3256 Riverside Drive, otherwise known as Grid 1713, Block 013, Parcel 000002, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate a Commercial Indoor Recreation facility (MEGA Bounce) at this location.*

#### **Background:**

The applicant, Donald Layne, is requesting a Special Use Permit to operate an indoor commercial recreation facility at 3256 Riverside Drive in accordance with Article 3:N., Section C, Item 4 of the Zoning Code. Mr. Layne operates MegaBounce which is currently located within the Nor-Dan Shopping Center at 211 Nor Dan Drive.

MegaBounce is a facility with inflatables and games that focus on children play. The facility charges an entry fee for use of the equipment and hosts parties upon request.

Twenty-four (24) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on September 11, 2017.

#### **Recommendation:**

The Planning Staff recommends approval of Special Use Permit Application Number PLSUP20170000212 to operate a commercial recreation facility in accordance with Article 3.N., Section C, Item 4. Staff recommends approval with the following conditions:

1. The operation of a commercial recreation facility at this location is to be limited to indoor use.
2. The hours of operation are to be limited between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday.

**City Planning Commission Alternatives:**

1. Recommend approval of Special Use Permit application PLSUP20170000212 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20170000212 subject to conditions per Staff.
3. Recommend approval of Special Use Permit application PLSUP20170000212 subject to conditions by the Planning Commission
4. Recommend denial of Special Use Permit application PLSUP20170000212 as submitted.
5. Recommend postponement of Special Use Permit application PLSUP20170000212 by Planning Commission.

**Attachments:**

Application  
Lease Agreement  
Property Ownership/Zoning Map  
Data Sheet  
Existing Land Use Map (2015 Aerial)

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the Special Use Permit as described below:

**INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION**

APPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING

USE: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_ EXISTING ZONING: \_\_\_\_\_

PROPOSED ZONING: \_\_\_\_\_ TAX MAP NUMBER: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_ DATE FILED: \_\_\_\_\_

PLANNING COMMISSION DATE: \_\_\_\_\_ CITY COUNCIL DATE: \_\_\_\_\_

**INFORMATION TO BE PROVIDED BY THE APPLICANT**

(PLEASE TYPE OR PRINT)

Exact legal description of property (Attach if insufficient space).

Gross Area/Net Area: 6,164 sq ft Property Address: 3256 Riverside Dr Suite 310

Property Location: N S E W Side of: Riverside Dr Danville Va

Between: Hill Chiropractic and Salon Essential

Proffered Conditions (if any, please attach): Zone Entertainment



**EXPLANATION OF REQUEST:**

**1. PROPOSED USE FOR THE SPECIAL USE PERMIT:**

Please provide a site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

Mega Bounce Indoor Playground move operation  
From Nordan Shopping Center to Riverside Shopping  
Center

**PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):**

1. NAME: Danville Riverside Partners LLC TELEPHONE: 804.794.9705  
MAILING ADDRESS: 1500 Huguenot Rd. Suite 108 Midlothian, VA 23113  
SIGNATURE: [Signature] DATE: 7/19/17  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
EMAIL ADDRESS: josh@protectorpropertymanagement.com

**APPLICANT (PLEASE TYPE OR PRINT):**

If the applicant is not the property owner, written authorization from the property owner must accompany this application.

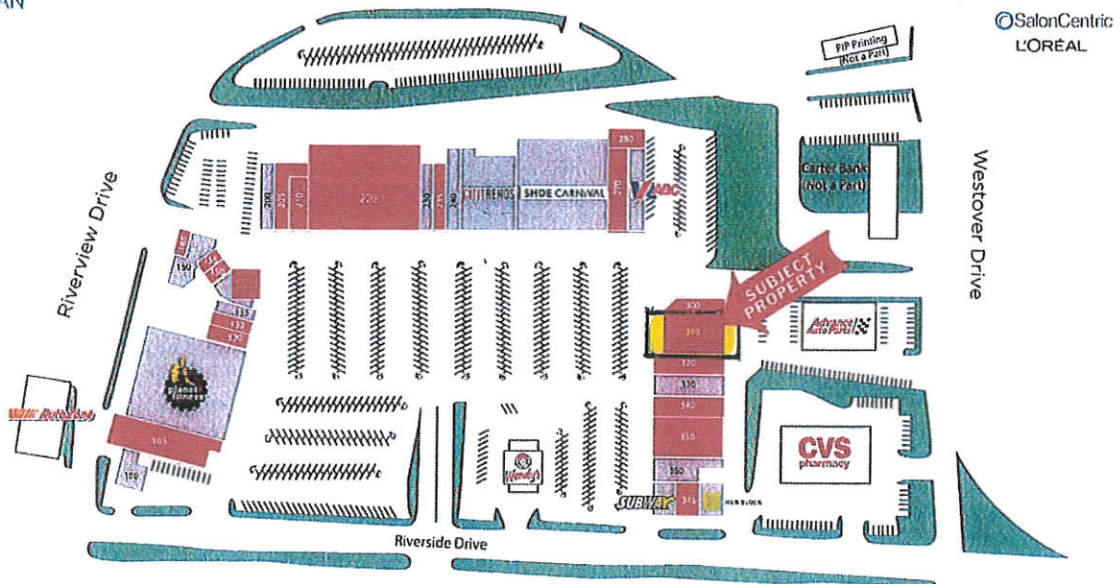
NAME: Donald Scott Layne TELEPHONE: 434-489-8932  
MAILING ADDRESS: 197 Robertson Lane Danville Va 24540  
EMAIL ADDRESS: layne811@embarqmail.com  
SIGNATURE: [Signature] DATE: 7-21-17

# THALHIMER

Thalhimer  
Coffee Crossing  
6000 Boonsboro Rd.  
Suite A  
Lynchburg, VA 24503  
Phone (434) 237-3384  
Fax (434) 239-4058

Exhibit – A  
Lease Premise (Suite 310)  
6,164 sq ft

## SITE PLAN



# THALHIMER

Thalhimer  
Coffee Crossing  
6000 Boonsboro Rd.  
Suite A  
Lynchburg, VA 24503  
Phone (434) 237-3384  
Fax (434) 239-4058

## DEED OF LEASE AGREEMENT

THIS DEED OF LEASE AGREEMENT (this "Lease"), is made as of this \_\_\_\_ day of \_\_\_\_\_, 2017 by and among PECK PROPERTIES (the "Landlord"), MEGA BOUNCE LLC (the "Tenant") and THALHIMER, INC. (the "Landlord Agent").

### WITNESSETH

THAT for and in consideration of the below stated rent and other terms and conditions stipulated in this Lease, Landlord does hereby lease to Tenant, and Tenant does hereby rent from Landlord, the following described property located at 3256 Riverside Dr., Suite 310, Danville, VA consisting of +/- 6,164 sq ft of retail space within Riverside Shopping Center and denoted in Exhibit - A.

TO HAVE AND TO HOLD said Leased Premises and the privileges and appurtenances thereunto belonging unto Tenant, its successors and permitted assigns, for the Term hereinafter provided, and upon all of the following terms and conditions, to which Landlord, Tenant and Agent hereby mutually covenant and agree:

#### 1. TERM:

The term of this Lease (the "Term") shall be for (36) thirty six months and shall commence on October 1, 2017 (the "Commencement Date"), and shall end on September 30, 2020 (the "Expiration Date").

#### 2. RENT:

During the Term of this Lease, Tenant covenants to pay rent to Landlord, without any demand, offset, or reduction whatsoever, monthly installments in advance on the first day of each month under the following rent schedule:

- **October 2017 – September 2020** **\$4,100.00 per month** (rate is inclusive of base rent, CAM charges, prorata share of real estate taxes and insurance)

All Rent thereafter shall be payable in advance on the first day of each month. All Rent due Landlord shall be paid when due to Peck Properties 1500 Huguenot Rd., Midlothian, VA 23113 or to such other place as Landlord may designate in writing to Tenant.

#### A. RENT DEPOSIT:

After the lease has been executed by both Tenant and Landlord, Tenant will make a payment to the Landlord in the amount of **\$8,200.00** which represents the rental payments for the months of October 2017 and September 2020. This rental payment will be applied to the rental payments for the months of October 2017 and September 2020.

#### B. LATE CHARGES:

Tenant recognizes and acknowledges that if Rent or other payments required under this Lease are not received when due, Landlord will suffer damages and additional expense thereby and Tenant therefore agrees that a late charge equal to ten percent (10%) of the Rent due may be assessed by Landlord as Additional Rent if Landlord has not received any monthly installment of base monthly rent or any Additional Rent due pursuant to this Lease within seven (7) days after its due date. In addition, any amount due to Landlord not received by Landlord when due shall bear simple interest at a rate equal to fifteen percent (15%) per annum from the date due until the date Landlord received payment thereof. If any check given in payment of Rent is not honored when due, Landlord may require that subsequent Rent payments be made by certified or cashier's check.

#### 3. USE OF LEASED PREMISES:



# THALHIMER

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Tenant shall use the Leased Premises solely for an Indoor Playground and Entertainment Center and in strict accordance with all applicable laws, ordinances and regulations of governmental authorities and all applicable restrictions, covenants and agreements. Tenant shall not use the Leased Premises for any other purpose without the prior written consent of Landlord, in its sole discretion. Tenant will not use or permit or suffer the use of the Leased Premises for any unlawful or offensive business or purpose. Tenant will not, without the prior written consent of Landlord in its sole discretion, use or permit the walls, fences, roof or any other part of the Leased Premises to be used for advertising purposes.

#### 4. CONDITION OF LEASED PREMISES:

Tenant has examined and is satisfied with the present condition of the Leased Premises and the equipment thereon, if any. No representation has been made to Tenant, or Tenant's agents, by Landlord, or Agent, concerning the condition of the Leased Premises (and the equipment thereon, if any) or any particular use that can be made thereof. Neither Landlord nor Agent shall be under any duty to instruct Tenant or others as to the use of any equipment on the Leased Premises. Tenant acknowledges that the Leased Premises are suitable for Tenant's proposed use and agree to lease the Premise in As Is Conditions.

#### 5. LEASE CONTINGENCY:

This Deed of Lease Agreement is contingent on the Tenant's ability to get the lease premise rezoned with a conditional use permit for the Tenant's proposed use of the property. Tenant further acknowledges that the intended use of the property complies with all ordinances, regulations, zoning and municipal or State law as it relates to the Leased Premises. Should the Tenant not be successful in getting the lease premises rezoned for its intended use, this deed of lease agreement shall be null and void and Landlord agrees to return all deposits to Tenant within 30 days.

#### 6. TENANT SIGN APPROVAL:

Tenant may install Tenant's sign in the place designated for Tenant's sign on the Leased Premises provided Tenant's sign meets Landlord's criteria, size requirements, and all applicable local, state or federal laws, ordinances, rules and regulations and provided further that such sign shall be subject to Landlord's prior written approval as to material, color, design and content. Tenant must deliver to Landlord two (2) copies of detailed plans and specifications of Tenant's proposed sign showing the size, shape and color of Tenant's proposed sign for Landlord's approval. If Tenant fails to properly maintain signage, Landlord, at Tenant's expense, can repair the sign. Prior to the expiration or sooner termination of this Lease, Tenant shall remove all signage and repair any holes or damage.

#### 7. UTILITIES:

Tenant at tenant's expenses agrees to pay all utilities fees, services and hook-up fees associated with the leased premise during the term of the lease except water which will be paid by the Landlord. On the commencement day of the lease, the Tenant shall place the natural gas (if any), telephone, cable and electrical service accounts into the name of the Tenant.

#### 8. INSURANCE REQUIREMENTS:

Throughout the Term, Tenant, at its sole cost and expense, shall keep or cause to be kept for the mutual benefit of Landlord, Agent and Tenant, Commercial General Liability Insurance (1986 ISO Form or its equivalent) with a combined single limit, each Occurrence and General Aggregate-per location of at least Two Million Dollars (\$2,000,000), which policy shall insure against the liability of Tenant, arising out of and in connection with the use or occupancy of the Leased Premises by Tenant or its subtenants, successors, assigns or licensees. Not more frequently than once every three (3) years, Landlord may require the limits to be increased if in its reasonable judgment (or that of its mortgagee(s)) the limits of coverage are insufficient.

Tenant shall also carry the equivalent of ISO Special Form Property Insurance on Tenant's Property for its full replacement value with coinsurance waived. For purposes of this provision, "Tenant's Property" shall mean the personal property and trade fixtures of, and any improvements made to the Leased Premises by Tenant or its subtenants, successors, assigns or licensees. Landlord shall have no responsibility or liability whatsoever for any loss or damage to Tenant's Property, regardless of the cause of the damage or loss. Landlord will provide Tenant a copy of their current property insurance policy on the lease premise within 5 days have the lease has been executed by both Tenant and Landlord.

Tenant shall deliver to Landlord, or to such other place as Landlord may designate in writing to Tenant, certificates or other evidence of insurance satisfactory to Landlord. All such policies shall be non-assessable and shall contain language to



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the extent obtainable that: (i) any loss shall be payable notwithstanding any act or negligence of Landlord, Agent or Tenant that might otherwise result in forfeiture of the insurance; (ii) that the policies are primary and non-contributing with any insurance that Landlord or Agent may carry; (iii) that the policies cannot be cancelled, non-renewed, or coverage reduced except after thirty (30) days prior notice to Landlord and Agent; and (iv) name Landlord and Agent additional insureds as their respective interests may appear. If Tenant fails to provide Landlord with such certificates or other evidence of insurance coverage, Landlord may obtain such coverage and the cost of such coverage shall be Additional Rent, payable by Tenant upon demand.

Anything in this Lease to the contrary notwithstanding, Landlord hereby waives unto Tenant (including all partners, stockholders, officers, directors, employees and agents thereof), its successors and assigns, and Tenant hereby releases and waives unto Landlord and Agent (including all partners, stockholders, officers, directors, employees and agents thereof), and their respective successors and assigns, all rights to claim damages for any injury, loss, liability or cost to persons or damage to property or to the Leased Premises to the extent of the amount of insurance proceeds received in connection with any such injury, loss, cost or damage has been by Landlord, Tenant, Agent or any other person, firm or corporation, as the case may be, under the terms of any Property, General Liability, or other policy of insurance. As respects all policies of insurance carried or maintained pursuant to this Lease and to the extent permitted under such policies, Tenant and Landlord each hereby waive the insurance carriers' rights of subrogation.

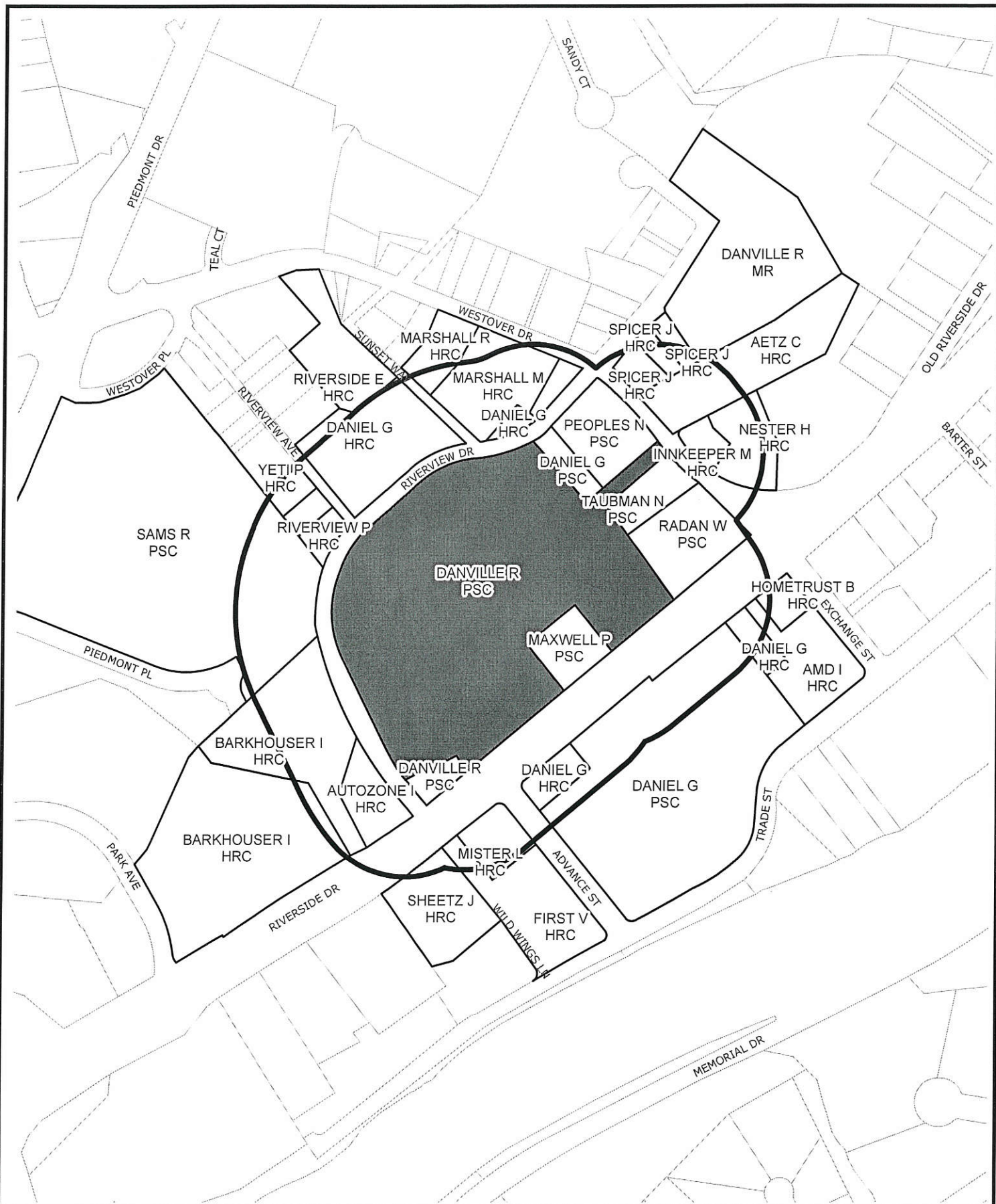
## 9. ASSIGNMENT AND SUBLETTING:

Tenant shall not assign this Lease or sublet the Leased Premises, in whole or in part, without Landlord's prior written consent, in Landlord's sole discretion. If consent to assign or sublease is obtained or if a new lease is entered into, as hereinafter provided, no such assignment or sublease shall in any way release or relieve Tenant or any guarantor from any of its covenants or undertakings contained in this Lease. Tenant and any guarantor shall remain liable on this Lease during the Term and all Renewal Lease Terms. Tenant's request for consent to any subletting or assignment of this Lease shall be accompanied by a written statement setting forth the details of the proposed sublease or assignment and any other information Landlord deems relevant. Upon receipt thereof, Landlord shall have the right to terminate this Lease as of the effective date of such sublease or assignment and enter into a direct lease with the proposed assignee or subtenant. Tenant shall be liable for reasonable fees incurred by the Landlord in connection with any assignment of this Lease or subletting of the Leased Premises or any part thereof, including, but not limited to, reasonable attorneys' fees. No consent to an assignment or sublease shall be deemed to constitute a waiver by Landlord of its right to consent to any subsequent assignments or subleases.

## 10. REPAIRS; ALTERATIONS AND REPLACEMENTS:

Tenant shall, at its expense, during the Term of this Lease, keep the Leased Premises in good order and condition, and perform all repairs, maintenance and replacements that become necessary in or about the Leased Premises including, without limitation, loading docks, drive-in doors and plate glass, and procuring and maintaining service contracts acceptable to Landlord for the heating and/or air conditioning systems. Landlord at Landlord's expense shall maintain that the heating/air conditioning system and the plumbing systems are in good working order prior to the commencement date of the lease. During the term of the lease should the heating/air conditioning systems or plumbing systems need to be repaired or replaced, Tenant shall be responsible for any repairs or replacements up to \$500.00 per occurrence during the term of the lease. Any repairs or replacements over \$500.00 per occurrence shall be the responsibility of the Landlord. Tenant shall be responsible for the replacement of any interior light bulbs within the leased premises. The cost of any light bulb replacement shall be borne solely by the Tenant. Tenant shall not make any alterations of, additions to, or changes in, the Leased Premises or equipment without the prior written consent of Landlord, which consent shall not be unreasonably withheld, and all alterations, changes, and improvements by whomsoever made, shall be the property of Landlord. Nothing contained in this paragraph shall be construed as requiring Landlord to make any repairs or replacements, except as hereinafter expressly provided. Landlord shall maintain and make all necessary structural repairs and replacements to the foundations, load bearing walls, and roofs; provided, however, that if any such structural repairs or replacements shall have been caused, in whole or in part, by any act, omission, negligence, willful misconduct or criminal act of Tenant or its agents, employees, servants, contractors, tenants, licensees, invitees, customers, successors or assigns, then Tenant shall, immediately on demand, pay Landlord the total costs and expenses of such repairs and replacements, together with interest thereon at the rate of eighteen percent (18%) per annum from the date incurred to the date and received by Landlord.





# **SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY**

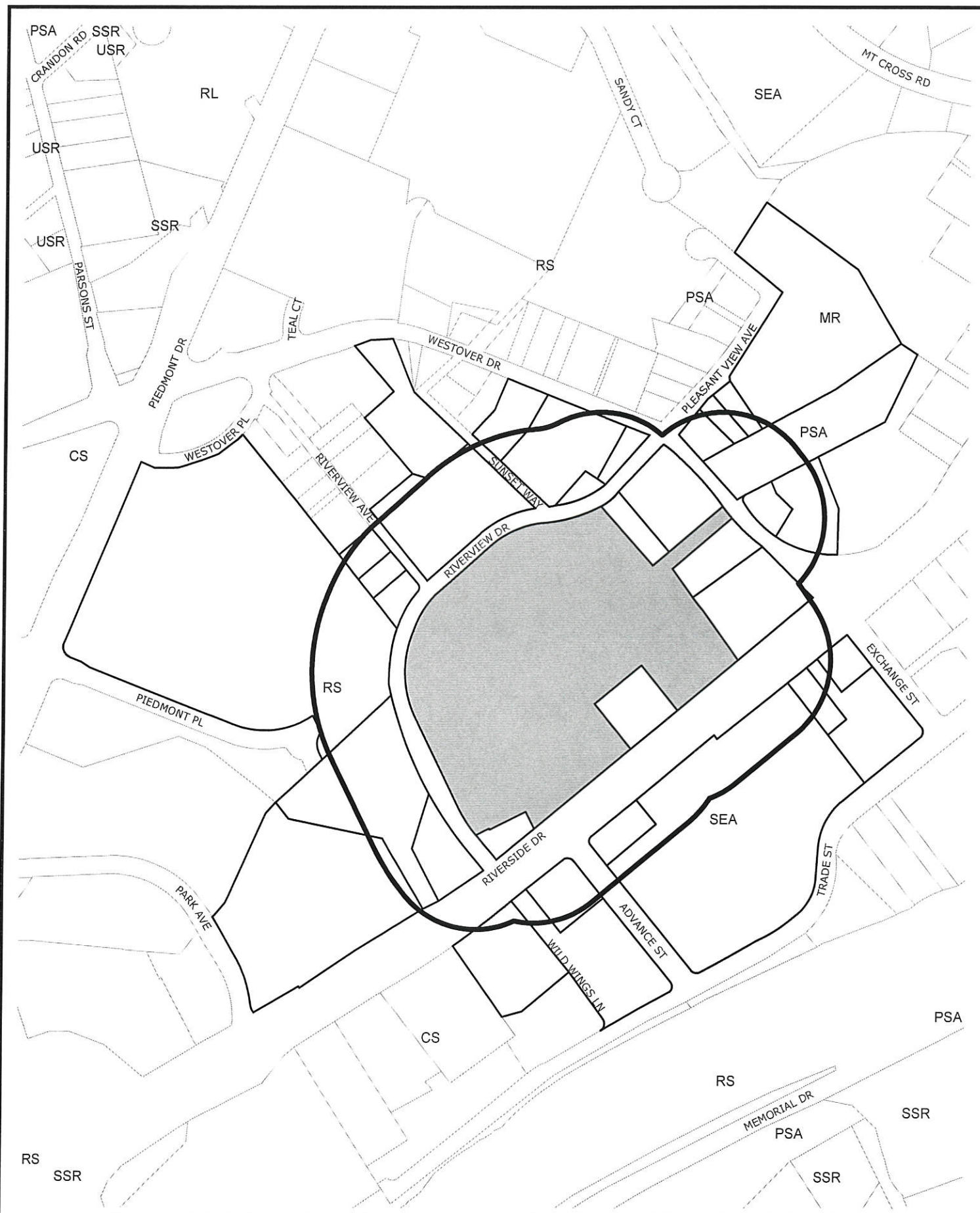
Prepared by:  
Planning Division  
8/16/2017

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**SPECIAL USE PERMIT REQUEST**  
**DATA SHEET**

<b>DATE:</b>	September 11, 2017
<b>LOCATION OF PROPERTY:</b>	3256 Riverside Drive
<b>PRESENT ZONE:</b>	PS-C Planned Shopping Center Commercial
<b>PROPOSED ZONE:</b>	Same
<b>ACTION REQUESTED:</b>	Special Use Permit requested for Commercial Indoor Recreation.
<b>PRESENT USE OF PROPERTY:</b>	Vacant Shopping Center Space
<b>PROPOSED USE OF PROPERTY:</b>	Mega Bounce
<b>PROPERTY OWNER (S):</b>	Riverside Sopping Center Inc
<b>NAME OF APPLICANT (S):</b>	Donald Layne
<b>PROPERTY BORDERED BY:</b>	Commercial to north, south, east, and west.
<b>ACREAGE/SQUARE FOOTAGE:</b>	6,164 sq. ft. for rental space
<b>CHARACTER OF VICINITY:</b>	Commercial
<b>INGRESS AND EGRESS:</b>	Riverside Drive
<b>TRAFFIC VOLUME:</b>	High
<b>NEIGHBORHOOD REACTION:</b>	To be reported at the Planning Commission meeting of September 11, 2017



## YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
8/16/2017

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## 2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

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Planning Division  
8/16/2017

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**City of Danville**  
427 Patton Street, Suite 208  
Danville VA, 24541  
Phone: (434) 799-5260

## ***City Planning Commission***

### **City Planning Commission**

Meeting of September 11, 2017

#### **Subject:**

*Rezoning application PLRZ20170000214, filed by Daniel Group, Inc., requesting to rezone from HR-C, Highway Retail Commercial to M-R, Multifamily Residential, a 3.00-acre portion of Parcel ID #78291, otherwise known as a 3.00-acre portion of Grid 0708, Block 003, Parcel 000008.001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property so that it can be consolidated with a portion of 610 Mt. Cross Rd.*

#### **Background:**

The applicant, the Daniel Group, Inc., is requesting to rezone a 3.00 acre prortion of Parcel ID#78291 from HR-C, Highway Retail Commercial to M-R, Multifamily Residential so that the property may be consolidated with a portion of 610 Mt. Cross Rd. Consolidation may not occur unless all properties share the same zoning designation.

The subject parcel is presently vacant. The rezoning request would allow the property owner to consolidate the northern 3.0 acres the subject parcel with a portion of 610 Mt Cross Road. This rezoning and consolidation would allow for the expansion of the existing multi-family housing present at 610 Mt. Cross Road.

A southern 3.0-acre portion of this property was the subject of a rezoning in July.

Ten (10) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on September 11, 2017.

#### **Recommendation:**

Staff recommends approval of rezoning application PLRZ20170000214, filed by Daniel Group, Inc., requesting to rezone from HR-C, Highway Retail Commercial to M-R, Multifamily Residential, a three (3) acre portion of Parcel ID #78291 so that it may be consolidated with 610 Mt. Cross Rd.

This rezoning will allow for consolidation with adjacent property as the Zoning Code does not permit consolidation unless all properties share the same zoning classification.

**City Planning Commission Alternatives:**

1. Recommend approval of Rezoning application PLRZ20170000214 as submitted.
2. Recommend approval of Rezoning application PLRZ20170000214 subject to conditions by the Planning Commission.
3. Recommend denial of Rezoning application PLRZ20170000214 as submitted.
4. Recommend postponement of Rezoning application PLRZ20170000214 by Planning Commission.

**Attachments:**

Application  
Preliminary Survey Plat  
Property Ownership/Zoning Map  
Data Sheet  
Existing Land Use Map (2015 Aerial)



CITY OF DANVILLE

REZONING APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the rezoning as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: \_\_\_\_\_ EXISTING ZONING: HRC  
PROPOSED ZONING: MR TAX MAP NUMBER: \_\_\_\_\_  
RECEIVED BY: \_\_\_\_\_ DATE FILED: \_\_\_\_\_  
PLANNING COMMISSION DATE: \_\_\_\_\_ CITY COUNCIL DATE: \_\_\_\_\_

INFORMATION TO BE PROVIDED BY THE APPLICANT

Exact legal description of property (Attach if insufficient space).

Gross Area/Net Area: 3.0 Ac Property Address: Mt Cross Road, Danville, Va

Property Location: N S E W Side of: Mt Cross Rd

Between: Lowes Drive and Old Mt Cross Road

Proffered Conditions (if any, please attach): N/A

**PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):**

1. NAME: Daniel Group, Inc TELEPHONE: 434-791-8212

MAILING ADDRESS: 223 Riverview Drive, Danville, Va 24541

SIGNATURE: Hendy G Burnette DATE: 8-14-17

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EMAIL ADDRESS: hburnette@tdanielgroup.com

**APPLICANT (PLEASE TYPE OR PRINT):**

If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

## **EXPLANATION OF REQUEST:**

### **1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:**

Please provide ten (10) sets, blue or black line copies, of a final site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

**No current development plans. Future plans consist of  
adding additional apartment buildings.**

---

### **2. ALTERATION OF ZONING BOUNDARIES:**

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

**Desire to consolidate 3 Ac parcel with the Carter Springs Apt  
Parcel for future apartments (PID #72808) currently zoned MR.**

---

### **3. RESIDENTIAL REZONING:**

Please provide a brief description of the request:

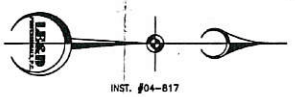
**Future plans include addition of new apartment buildings  
Desire to rezone to MR for consolidation with existing MR.**

---





PLAT OF  
 ZONING EXHIBIT  
 SHOWING  
 NEW LOTS 285 & 286  
 FOR  
**DANIEL GROUP, INC.**  
**MOUNT CROSS ROAD**  
**DANVILLE, VA.**  
 DATE: 8-14-17  
 SCALE: 1" = 100'  
 SHEET: 1 OF 1



LINE	LENGTH	BEARING	CHORD DIST.	CHORD LENGTH
1-2	6.428	N57°27'13"E	170.35'	23.13'
2-3	23.13	S53°37'04"E	23.13	23.13
3-4	6.28	N28°56'04"W	8.28	8.28

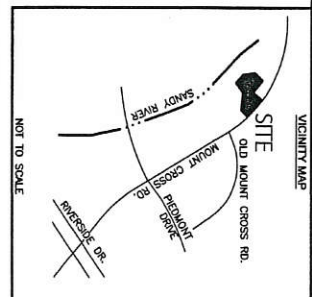
  

LINE	LENGTH	BEARING
1-2	3.00	N57°27'13"E
2-3	4.428	S13°19'30"W
3-4	49.46	S40°51'56"W
4-5	38.10	S51°04'48"W
5-6	38.10	N50°57'47"E
6-7	38.10	N48°44'48"E
7-8	66.57	N13°22'47"E

- LEGEND:**
- EX-EXISTING IRON REBAR (3/8")
  - EX-EXISTING IRON PIPE (FUNCH TOP)
  - NEW IRON REBAR (3/8")
  - △ COMBINED POINT
  - ① SANITARY SEWER MANHOLE
  - ② STORM DRAIN MANHOLE
  - P.D.: TAX PARCEL ID. NO.

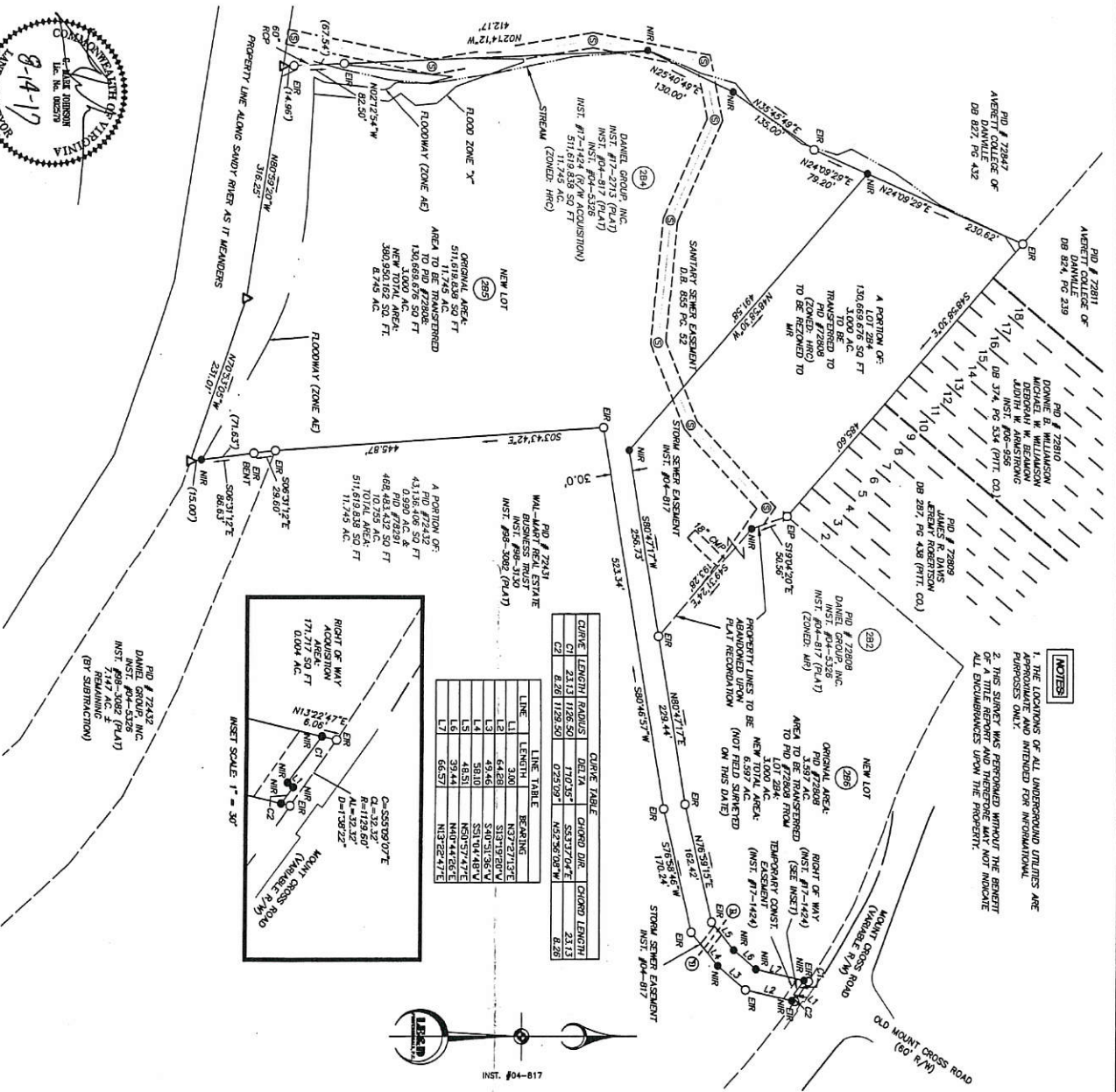
**FLOOD NOTE:**

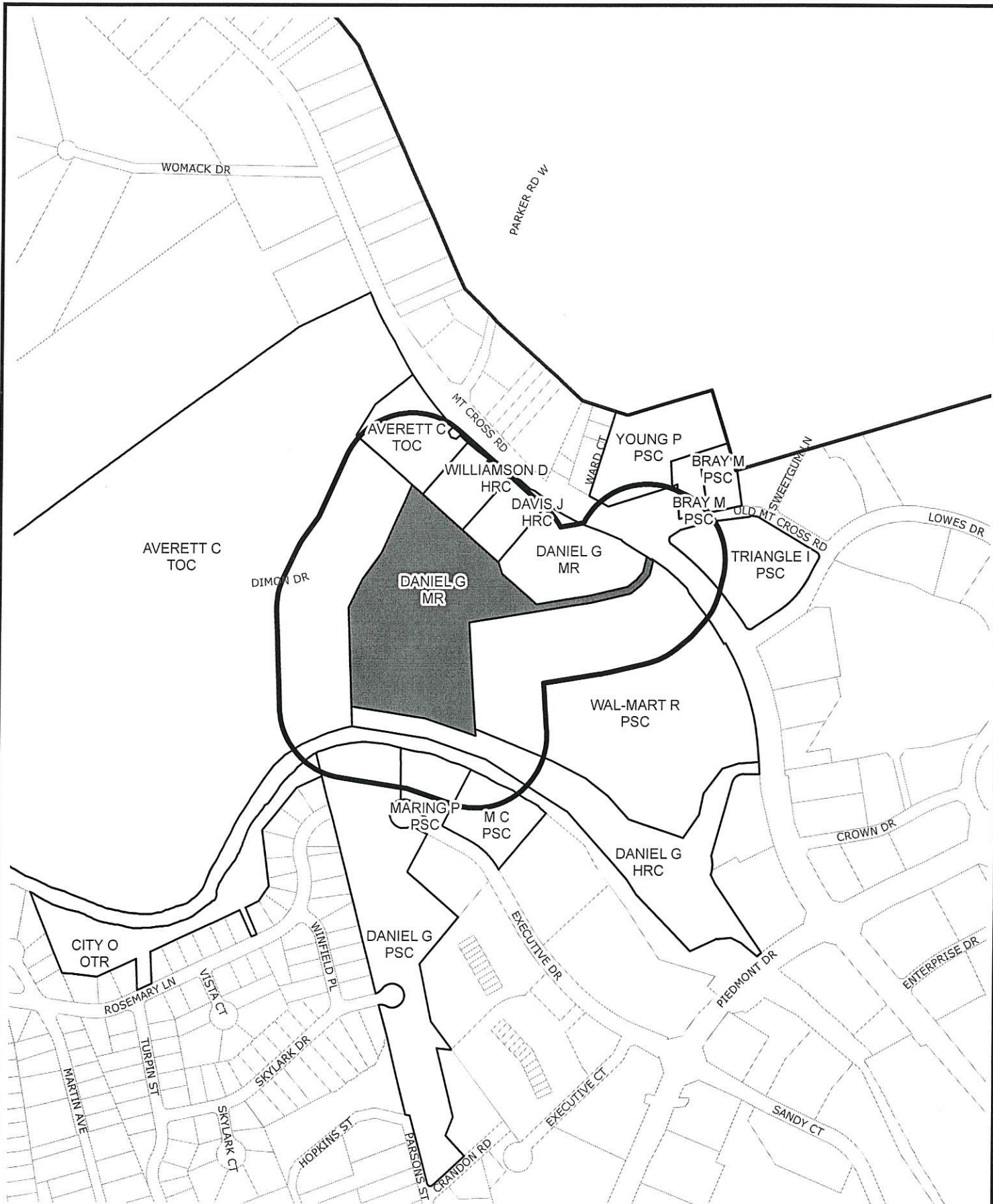
THIS PROPERTY LIES WITHIN FLOOD ZONE "AE" AS SHOWN ON THE FLOOD MAP OF THE UNITED STATES, EFFECTIVE DATE: 9-29-10



**NOTES:**

- THE LOCATIONS OF ALL UNDERGROUND UTILITIES ARE SHOWN ON THIS MAP AND SHOULD BE INFORMED.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AERIAL PHOTOGRAPHY OR INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.





## SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



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Planning Division  
8/16/2017

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**REZONING REQUEST**  
**DATA SHEET**

<b>DATE:</b>	September 11, 2017
<b>LOCATION OF PROPERTY:</b>	A 3.00-acre portion of Parcel ID #78291 Mt Cross Rd
<b>PRESENT ZONE:</b>	HR-C Highway Retail Commercial
<b>PROPOSED ZONE:</b>	M-R, Multifamily Residential
<b>ACTION REQUESTED:</b>	Rezoning request so that the property may be consolidated with a portion of adjacent property that is zoned M-R. Consolidation of property requires like zoning.
<b>PRESENT USE OF PROPERTY:</b>	Vacant
<b>PROPOSED USE OF PROPERTY:</b>	The owner would like the option of expanding the existing apartment complex in the future
<b>PROPERTY OWNER (S):</b>	Daniel Group, Inc.
<b>NAME OF APPLICANT (S):</b>	Same
<b>PROPERTY BORDERED BY:</b>	Commercial to north and south, west, and east.
<b>ACREAGE/SQUARE FOOTAGE:</b>	3.00 acres.
<b>CHARACTER OF VICINITY:</b>	Mixed commercial and institutional
<b>INGRESS AND EGRESS:</b>	Mt Cross Rd
<b>TRAFFIC VOLUME:</b>	High
<b>NEIGHBORHOOD REACTION:</b>	To be reported at the Planning Commission meeting of September 11, 2017



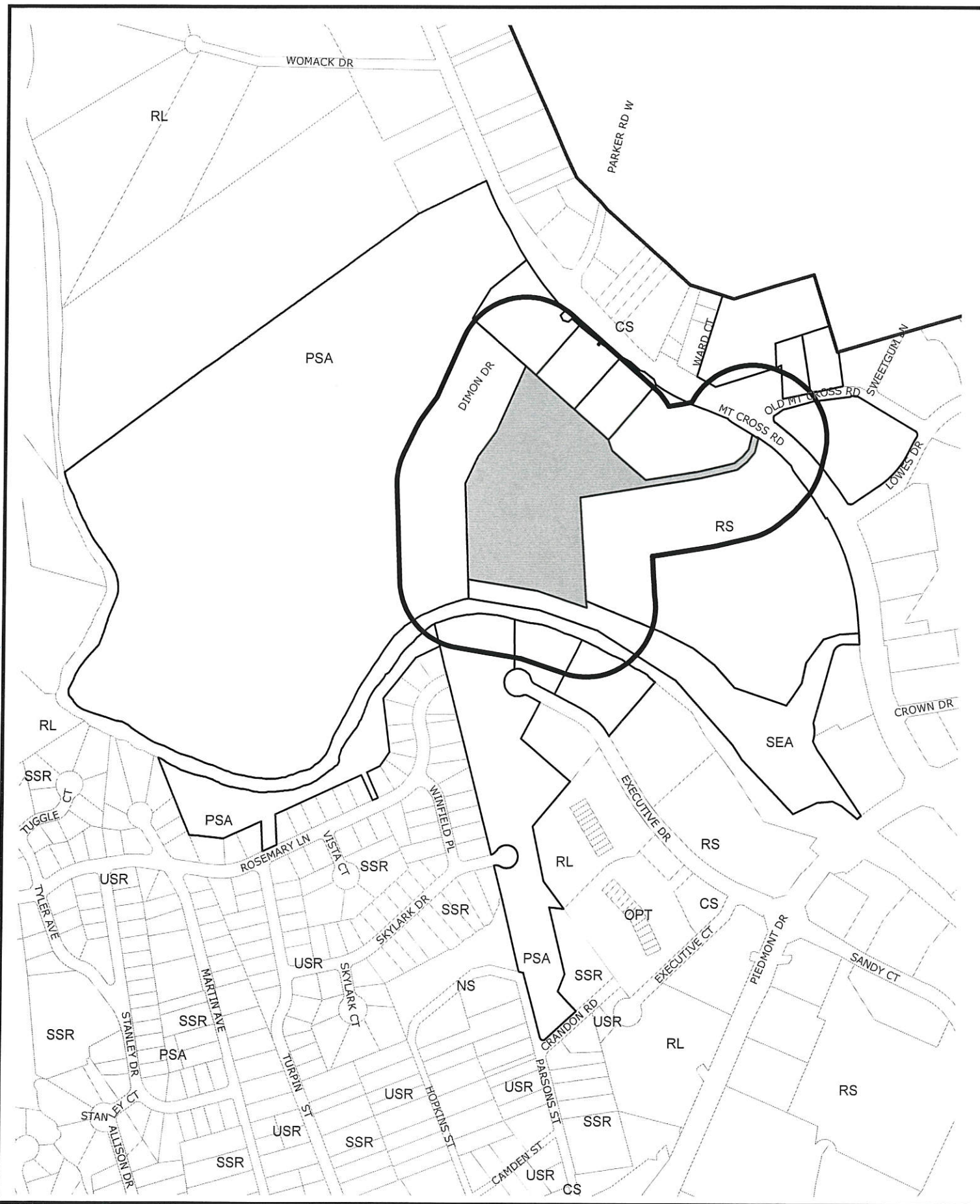


## 2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

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## YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

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## PLANNING COMMISSION MINUTES

June 8, 2017

### MEMBERS PRESENT

Mrs. Evans  
Mr. Searce  
Mr. Garrison  
Mr. Bolton  
Mr. Jones  
Mr. Dodson  
Mr. Wilson

### MEMBERS ABSENT

### STAFF

Tracie Lancaster  
Ken Gillie  
Renee Burton  
Anna Levi  
Clarke Whitfield

The meeting was called to order by Chairman Searce at 3:00 p.m.

### I. ITEMS FOR PUBLIC HEARING

*Special Use Permit application PLSUP20170000127, filed by Joel L. Bryant, Jr., requesting a Special Use Permit for a waiver of yard requirements in accordance with Article 3: M, Section C, Item 21 of the Code of the City of Danville, Virginia 1986, as amended at 1491 W Main Street and 1485 W Main Street, otherwise known as Grid 0611, Block 004, Parcel 000003 and Grid 0611, Block 004, Parcel 000004, respectively, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to consolidate the two parcels creating a zero (0) foot side yard setback where twenty (20) feet is required and a ten (10) foot front yard setback where thirty (30) feet is required.*

Ms. Levi read the staff report. Thirteen (14) notices were sent to surrounding property owners within 300 feet of the subject property. Three (3) were not opposed. One was opposed.

Mr. Searce opened the Public Hearing.

Present on behalf of this request was Joel Bryant, the applicant. Mr. Bryant stated I am one of the owners of Newcomb Carpet. We just want to combine the properties to create storage space. Since our business is expanded we need more storage space. That is the only reason for this and it will only be used for storage. We will not combine the insides of the two buildings to come into the storage building.

Mr. Jones stated do you have any problems with these conditions set by Staff?

Mr. Bryant stated no sir.

Mr. Lewis stated he came to find out exactly what this is about. He stated that he really didn't understand it. I own a house at 6 Laurel Avenue and I was within the circle so they sent the letter. Are they trying to take that much of my property or what?

Mr. Searce stated no sir. It doesn't really affect your property at all. They just send out letters within 300 feet with any zoning changes so that people can be notified. All they are doing is, they have two buildings and they are just closing it in-between.



Mr. Lewis stated okay well that doesn't matter to me. I was just thinking they were trying to take part of my yard. I didn't quite understand it.

Mr. Searce closed the Public Hearing.

**Mr. Wilson made a motion to approve *PLRZ20170000127* subject to conditions per staff. Mr. Garrison seconded the motion. The motion was approved by a 7-0 vote.**

## **II. ITEMS NOT FOR PUBLIC HEARING**

- Mt Cross Rd. R-O-W expansion project**

Mrs. Burton read the staff report.

Mr. Garrison stated Mr. Dunevant does this take care of phase 1?

Mr. Dunevant stated yes.

Mr. Garrison stated the current action by City Council that is tabled, will that have any effect on this?

Mr. Dunevant stated what they tabled is these two properties. So we worked it out with the property owners so that will not be coming back to Council.

Mr. Garrison stated so we can go ahead and get that started then?

Mr. Dunevant stated yeah this will help. We still have a few other hurdles to jump but as far as the properties and right-of-way yes.

Mr. Jones stated you are going to four lanes. Will there ever be a fifth lane for turning?

Mr. Dunevant stated this will include the turning lane.

**Mr. Bolton made a motion to approve the resolution for exhibit 007. Mr. Garrison seconded the motion. The motion was approved by a 7-0 vote.**

**Mr. Bolton made a motion to approve the resolution for exhibit 008. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.**

## **III. MINUTES**

**The May 8, 2017, minutes were approved by unanimous vote.**

## **IV. OTHER BUSINESS**

Ms. Levi stated we do have cases for next month so plan to be here.

With no further business, the meeting adjourned at 3:11 p.m.

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APPROVED